

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the Gas Price Spikes experienced at the California Border from March 2000 through May 2001.

Investigation 02-11-040
(Filed November 21, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PREHEARING CONFERENCE**

A prehearing conference (PHC) will be held at 1:30 p.m. on August 15, 2005 to discuss discovery and scheduling issues regarding Phase I of this proceeding.

Parties may file PHC statements no later than August 12, 2005. It would be useful for the PHC statements to address the following items:

1. Status of discovery in Phase I.
2. Scheduling of evidentiary hearings.
3. Whether submission of the evidentiary record in Phase I.A should be set aside for receipt of additional evidence related to Phase I.A issues.

Phase I of Investigation (I.) 02-11-040 was bifurcated by a March 10, 2004 Administrative Law Judge's (ALJ) ruling. In that ruling, the ALJ provided that Phase I.A would address issues 1, 3, and 4 identified in the April 16, 2003 scoping memo¹ and that Phase I.B would address issue 2 in the scoping memo. The ALJ

¹ On August 1, 2003, the ALJ issued a ruling requiring that an additional sub-issue be addressed, related to issue 4.

also specified that, if pending discovery leads to the receipt of information relevant to Phase I.A too late for inclusion in Phase I.A, parties could request its consideration in Phase I.B.

Later in 2004, evidentiary hearings were held in Phase I.A, the Phase I.A record was submitted, and a Proposed Decision was prepared. On December 16, 2004, the Commission declined to adopt the Phase I.A Proposed Decision. In an April 7, 2005 ruling, the ALJ ruled that continued discovery is permissible on all issues delineated in the scoping memo. For these reasons, we will address at the PHC whether submission of the Phase I.A evidentiary record should be set aside.

Therefore, **IT IS RULED** that:

1. The Commission will hold a prehearing conference (PHC) in Investigation (I.) 02-11-040 at 1:30 p.m. on August 15, 2005, in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

2. Parties may file PHC statements, as more fully set forth above, no later than August 12, 2005. Parties shall serve these statements electronically, pursuant to Rule 2.3.1 of the Commission Rules of Practice and Procedure, and shall send electronic copies to the Assigned Commissioner and assigned Administrative Law Judge. Parties shall bring 5 extra copies of their PHC statements to the PHC.

Dated August 5, 2005, at San Francisco, California.

/s/ CHARLOTTE F. TERKEURST

Charlotte F. TerKeurst
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties for which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated August 5, 2005, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.